*****CONFIDENTIAL DEPOSITION****

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Leighton Technologies, LLC,)

Plaintiff-Counterclaim)

Defendant,)Case No.

-vs-)04Civ

Oberthur Card Systems, S.A.,)2496(CM)

Defendant-Counterclaim)

Plaintiff.)

- - - o0o - - -

Deposition of KEITH R. LEIGHTON, a witness herein, called by the Defendant-Counterclaim Plaintiff, as if upon cross-examination under the statute, and taken before Luanne Stone, a Notary Public within and for the State of Ohio, pursuant to the issuance of notice and subpoena, and pursuant to the further stipulations of counsel herein contained, on Sunday, the 9th day of October, 2005 at 9:00 o'clock A.M., at the Renaissance Hotel, the City of Cleveland, the County of Cuyahoga and the State of Ohio.

*****CONFIDENTIAL DEPOSITION*****

APPEARANCES:

On behalf of the Plaintiff-Counterclaim Defendant:

Sutherland, Asbill & Brennan, LLP,

by:

Robert A. Gutkin, Esq.

On behalf of the Defendant-Counterclaim Plaintiff:

Baker & McKenzie, by:

James David Jacobs

Frank M. Gasparo, Esq.

ALSO PRESENT:

Jean-Claude Huot

- - - o0o - - -

A I -- I think I've seen this.
Q You -- you have seen that before?
A I -- I'm not sure of whether I've seen this exact graph. I will say that this is an Oakwood circuit board press.
Q All right. What were you thinking of when you said you're not sure that you saw it before? What are you thinking about that you have seen before?
A I've seen many graphs.
Q Okay.
A Many graphs in my years in this.
Q Well --
A They have different formulas and --
Q Do -- do you see the bottom underneath the graph, the bottom line underneath the graph, it says "PVC"?
A Correct.
Q "PCB cycle curves"?
A Right.
Q Do you have any idea what PCB stands for?
MR. GUTKIN: Calls for speculation.
THE WITNESS: That calls -- yes, that would be speculation because we could be

dealing with polycarbonate substrates. We could be dealing with PVC, and you could be dealing with also circuit boards.

BY MR. JACOBS:

Q Mr. Leighton, I'm going to ask you once more: Do you have any understanding what PCB stands for, any understanding at all?

A No, no.

Q Sitting here today, you don't have any understanding what PCB stands for? I'm asking you again, you have no understanding at all what PCB stands for in the context of what we're looking at?

A No. I don't have an understanding of what this is speaking of.

Q All right. Let's look over to the left. It says, "cycle control." Do you see that?

A Yes.

Q The heading, "-PCB"?

A Yes.

Q And then it goes on, "Oakwood PCB presses have inherited the best features of the PVC lamination technology." Do you see that phrase?

A Okay, yes.

Q Does that refresh your recollection as to what PCB stands for?

MR. GUTKIN: Calls for speculation.

THE WITNESS: No, it does not.

BY MR. JACOBS:

Q You earlier talked about printed circuit board presses; didn't you, Mr. Leighton?

A Yes, I did.

Q You don't think that this is referring to printed circuit board-presses?

MR. GUTKIN: Calls for speculation.

THE WITNESS: It does not identify circuit boards in that description.

BY MR. JACOBS:

Q It talks about Oakwood PCB presses.

A Correct.

Q And you're telling me that you don't take away from that, given your experience in lamination, given your experience in presses, that that means a printed circuit board press?

MR. GUTKIN: Calls for speculation.

THE WITNESS: In the plastic card industry, we have many instruments used in production of plastic cards, and I have not

experience in printed circuit boards. My experience is in plastic card manufacturing.
BY MR. JACOBS:
Q Well, you do recall you earlier testified to having -- walking into Motorola --
A Right.
Q -- and seeing a press that was made for printed circuit boards, correct?
A At the time I looked at it, I thought it was for PVC. Until I was there working with it did I find out it was not designed for making plastic cards. It was designed for making circuit boards.
Q Okay. So, it's your testimony now that you have no understanding that PCB means printed circuit board as used in the context at the bottom of the page that we're looking at in Exhibit 108?
MR. GUTKIN: Calls for speculation.
THE WITNESS: Can you show me the word "printed circuit boards" in that paragraph?
BY MR. JACOBS:
Q It's a very simple question, Mr. Leighton. It's a yes or no.

A No.
Q You have no understanding --
A I'm saying: No, I don't have an understanding of the letters, PCB.
Q You have no understanding that the letters, PCB, in the context of this exhibit mean printed circuit board; is that correct?
MR. GUTKIN: Calls for speculation.
BY MR. JACOBS:
Q That's a yes or no.
A I'm saying no.
Q Okay. How about PVC; do you have any understanding of what that means in the context?
A Yes.
Q What does that mean?
A A polyvinyl chloride.
Q All right. Look -- and do you under -- good. So, let us look at the graphs that are labeled "PVC."
A Correct.
Q You see there's four lines in that graph, right?
A Correct.
Q Two are labeled "PVC," and two are

labeled with "PCB," correct?
A Correct.
Q Let's put the PCB lines aside, and concentrate solely on the PV -- PVC lines.
A Okay.
Q Do you see, of the PVC lines, one says "PVC press"? Do you see that?
A "PVC press."
Q Right?
A Correct, I see that.
Q Do you have any understanding of what "PVC press." means?
MR. GUTKIN: Calls for speculation.
THE WITNESS: I'm not familiar with this graph that Oakwood has put out here, and we're speaking in Centigrade temperatures which I'm not -- I don't have the correlation in my mind of -- I know that zero Centigrade is 32 degrees Fahrenheit, but I don't have a calculation here of what it would mean. I do see the curves.
BY MR. JACOBS:
Q Sir, do you have any understanding what the phrase in -- in this -- the word "P-r-e-s-s." means in the line that's

labeled "PVC press."?

MR. GUTKIN: It calls for speculation.

THE WITNESS: I don't see which line you're speaking of. I see "PVC temperature." I see "PVC press." I see the two lines.

BY MR. JACOBS:

Q Yes. I'm asking, do you know what "PVC press." means?

MR. GUTKIN: Calls for speculation.

THE WITNESS: I would have to speculate on that to give you an answer.

BY MR. JACOBS:

Q Do you have any understanding of what that means?

A No.

Q Why don't you speculate.

MR. GUTKIN: Calls for speculation, but you've been invited to speculate, so you can answer.

THE WITNESS: Okay. I would say that "PVC press." is probably a computerized cycle that's been programmed into the laminator to do what Oakwood thinks it would

do.
BY MR. JACOBS:
Q And that line indicates the pressure that the laminator is exerting upon the plastic sandwich that's in the laminator, correct?
MR. GUTKIN: Calls for speculation. You can answer.
THE WITNESS: I don't see where that says that.
BY MR. JACOBS:
Q That's your understanding of what that means; isn't that correct?
MR. GUTKIN: Calls for speculation.
THE WITNESS: It shows to me that that could be a cycle that can be programmed into the laminator.
BY MR. JACOBS:
Q Right.
A It does not tell me what it's actually doing, pounds per square inch. It doesn't tell me the temperatures. It does not give me a correlation between the two. It's just a diagram that they put in there to illustrate: We have different controls for

PVC laminating over PCB laminating.
BY MR. JACOBS:
Q Mr. Leighton, did you review this document with your attorney?
MR. GUTKIN: I'm going to instruct him not to answer that, because that might be privileged.
BY MR. JACOBS:
Q Mr. Leighton, I'm going to ask you once more: Before seeing this today at this deposition, have you ever seen that graph before?
A Not to my knowledge, of this particular -- I've seen lots of graphs of laminators. I've seen Burkle graphs. I've seen a lot of graphs in lamination. Whether I've seen this actual document, I cannot say yes to that.
Q I am not asking you that. I'm saying, have you -- do you recognize having seen this graph --
A No.
Q -- before being shown it a few minutes ago in this deposition?
A I've seen Oakwood brochures. Whether

it included this graph or not, I'm not 100 percent sure of, because I don't have the numbers or the model numbers of the laminator or this graph in reference to a model number. It does not show that on here.

Q I'll ask you once more.

A I'll have to say no.

Q Okay. Mr. Leighton, which Oakwood brochures have you seen before today?

A I've seen the actual equipment. Whether I've seen the brochures, I'm not -- but I've seen the Oakwood tape laying machine, the Oakwood hologram stamping machine. I've seen the Oakwood card cutting machine, and the Oakwood laminating machine. The Oakwood laminating machine that I saw at CSI was not of this design.

Q The one you saw at CSI was a two-stack laminator, correct?

A It was a two-stack laminator, but the platens were enclosed behind metal panels and were not exposed for visual observation, where these are exposed. You can see the actual daylight openings, but the Oakwood

machine that they had at CSI, all of this was covered up.

Q Do you see in -- in this graph, sir, where the line that's labeled -- would you agree that the PVC -- let me withdraw the prior question.

Would you agree, sir, that the "PVC press." line represents diagrammatically the pressure that is exerted in the Oakwood press during the lamination cycle?

MR. GUTKIN: Calls for speculation.

MR. JACOBS: You know, Mr. Gutkin, this -- that transcript will be shown to the judge. There's no speculation. I'm asking him what his understanding is.

MR. GUTKIN: You're asking him what his understanding is of a document he's never seen before that he didn't prepare. I am happy to explain my objections to the judge and explain why somebody who hasn't seen a document before, didn't prepare it, doesn't understand what certain abbreviations in the document may or may not stand for. So, we can go there, and I'm fine with it.

MR. JACOBS: Okay.

MR. GUTKIN: I think there's other ways to get at the information you want to get at, but you can continue along this line, and I'll continue to make the same objections, and objections are based on what I just said. There's no foundation laid. He hasn't seen the document before. If you want to ask him if he's ever seen P-r-e-s-s standing for pressure, he can explain that, but he didn't prepare this document.

MR. JACOBS: I'll take your suggestion.

BY MR. JACOBS:

Q Have you ever seen P-r-e-s-s standing for pressure?

A P-r-e-s-s.

Q Period, as an abbreviation for the word "pressure."

A I've seen psi, but what you're speaking of, I can't even repeat the words. It means pounds per square inch.

Q Let's look at the left -- let's look at the Y axis, the axis, the vertical axis to the left of the graph. Do you understand

the word, axis, sir?
A Are you speaking of the drawing, or are you speaking of the graph showing psi of which they have no figures on?
Q That's exactly what I'm speaking of, the -- at the left of the figure --
A Yes.
Q -- there's a vertical axis labeled "pressure psi."
A Right.
Q And on the graph, we have another -- we have a line labeled "PVC press."
A Yes.
Q Do you not have an understanding, sir, that that line labeled "PVC press." is diagrammatically indicating the pressure that's being exerted during that particular lamination cycle that is being drawn on the graph?
A No.
Q You do not have that understanding?
A No.
Q You have no understanding what the line "PVC press." means?
A That could be describing a cycle in

that -- built into that laminator. That could be describing the laminator.
Q Well, let's take -- let's take your first one.
A That doesn't say PVC pressure. It says "PVC press."
Q Okay.
A Which to me, by looking at that, could indicate you can set your controls for PVC pressing.
Q You're talking about pressing your clothes, sir?
A Yes.
Q Okay.
A No, pressing PVC, to build a solid core is what I'm speaking of.
Q Well, do you understand it to be the pressure inside the laminator?
A It could be the closing of the platens and the amount of pounds per square inch, which I see a left-side diagram where it has no figures as to pounds. There's nothing stating that the bottom is zero and the top of that graph is two tons. There's nothing indicating any figures on this graph. You

have a temperature graph there. It says temperature Centigrade. There's nothing saying zero or going up to 200 degrees Centigrade. There's nothing of any indication on this graph.

I think it's a very poor graph, and to draw any conclusions out of this graph that I have knowledge of the "PCB press" that you say is a -- for pressing circuit boards, I have no knowledge of that.

Q Well, let's look at the axis. Would you not agree, sir, and you don't have to agree, of course, that the line "pressure psi," as you move from the X axis up towards the top of the page, the pressure increases along that axis? Do you not agree?

A If they had this in color, and I could define which is pressure and which is temperature, I would consider it, but there's no figures. I can't draw any conclusion with something that has no figures.

Q So, your answer is, looking at this graph, you do not have an understanding that, as you move along the Y axis from

where it meets the X axis, and you move along the Y axis along the line that's labeled "pressure psi," you have no understanding that the pressure increases as you go upwards; is that correct?

A It would look to me that that would be the case, but with no figures, I couldn't swear to that.

Q So, you do have an understanding that the pressure would increase; is that correct?

A I understand what X, Y and Z axis are in C&C controls, yes.

Q Do you --

A As far as the diagrams here, I wouldn't give a hoot about any kind of graph that has no figures of where the pressure in the middle of this graph of the pressure per square inch. The center of that graph could be zero, and the bottom would be minus, or the top of it could be two tons. I have no idea what that stands for.

Q Would you not agree, sir --

A I don't agree.

Q -- that the normal interpretation of a

graph such as this is that, where the Y axis, and I'm talking about the line labeled "pressure psi," meets the X axis generally has a value of zero? Is that correct?

A Not necessarily.

Q Generally?

A You're seeing -- you're giving generalities.

Q I'm just asking you, generally, that's zero, correct?

A I could take this graph from this graph, and I could start putting in my own figures, and I might be able to come up with something, but the engineers that designed this graph left out the very important information.

Q So, because the engineers did not put numbers, you cannot understand this graph; is that correct?

A I don't know what they're doing. Are they laminating PVC in this graph, or are they laminating polycarbonate, or are they laminating -- I'm not sure what they're making their circuit boards out of.

Q You have no understanding, sir, that

what those graphs that are labeled PVC, that they're laminating PVC; is that correct?
A I can't get the temperatures out of this.
Q But you're thinking maybe the line that's labeled "PVC," they're really laminating polycarbonates; is that correct?
A No, polyvinyl chloride.
Q Okay. So, there's no question that what we're talking about here is a lamination cycle for polyvinyl chloride, correct?
MR. GUTKIN: Calls for speculation. Vague and ambiguous.
THE WITNESS: I don't know what we're talking about, this type of laminator. I don't understand what you're trying to get at here.
BY MR. JACOBS:
Q So, just to summarize, Mr. Leighton, you have no understanding of what the term, "PVC press.," means; is that correct, as shown on this graph?
A Yes, but the two don't -- in my mind, don't work together.
Q What is the term, then? If you do have

an understanding of what "PVC press." means, what does it mean?
A It would mean, if it's a laminating press, PVC, you're trying to laminate PVC.
Q And what does the word "press." mean?
A Compression.
Q Compression?
A Right.
Q Not pressure?
A It can be either/both, compression or pressure.
Q What's the difference --
A You would measure the compression by pressure.
Q What's the difference between compression and pressure in your --
A You can measure compression by pressure.
Q Do you have any understanding what the line labeled "PVC temp" means?
A Yes.
Q What does that mean?
A I would say temperature.
Q So, do you have an understanding that PVC -- that line that's measured "PVC temp" is indicating the temperature at any time

during the lamination cycle?

MR. GUTKIN: Vague and ambiguous.

THE WITNESS: I don't understand this graph in my comprehension.

BY MR. JACOBS:

Q What about this graph don't you understand, sir?

A Well, with what I have worked with in the past, I could not have control of my cycles to achieve what I'm trying to achieve. I don't see anything in this where it would relate that this is built and designed to make contactless smart cards.

Q I'm not asking you that question, sir. The question is: What don't you understand about this graph?

A The whole thing.

Q And what -- you don't understand anything about it?

A No. There's no figures on it.

Q If they had figures, would you understand the graph?

A Maybe so.

Q Well, let's get some figures in. What is the -- in your card, what is the maximum

pressure that you use during the cooling?
A It depends on the sheet size.
Q Well, take whatever --
A A sheet -- you know, the --
Q We're talking about pressure on the material itself, the platen pressure, not the ram pressure. What's the maximum?
A Standard lamination of cards, just a regular card, let's forget whether we're doing contactless or whatever, I would go in at a temperature of 280 to 285 degrees to be able to fuse overlaminate film to PVC, not taking in the course of printed ink on the surface of the PVC.
Q And what would be the maximum pressure that you would use when you're doing ordinary cards, PVC?
A On the surface of the sheet, I would go from between 100 to 185 pounds per square inch.
Q All right. Let's label --
A Roughly.
Q Let's -- let's label, and you're free to do that on the exhibit that's in front of you. Looking at the curve that says "PVC

press.," let's follow that curve to where it's the highest point, okay, and go over to the left axis, and put on -- on the axis where it says "pressure psi" 180. Can you do that?

A Okay, yes, I can do that.

Q Do you have a pencil? Let me hand you a pen.

A No, I don't. Okay, I'm going to put down "180." Where would you like me to put the "180"?

Q On the curve. Well, it would be on the Y axis at a level equal to the highest point on the line marked "PVC press."

A Okay. That would be at the highest point here on the P -- I'll mark that "180" on the top of that curve.

Q Let me -- may I see what you've --

A Psi.

Q May I take a look at what you did, just to make sure that we both have the same?

A Okay.

Q Thank you, sir. That's right. All right. Now, if you would carry that over to the axis where -- which is marked "pressure

psi" and put at the same level "180" so we have a mark on the left axis?

A Okay. I'll put "180."

Q All right. Now, assuming, sir, that that line where it says "pressure psi" is linear; that line is not outward or anything else, but assuming it's linear, what would you estimate the pressure psi is for the curve marked "PVC press." during -- when it's at -- during the heating cycle at the point where that curve is horizontal? Do you understand what I'm saying?

MR. GUTKIN: It's vague and ambiguous.

THE WITNESS: That's -- that's still vague.

BY MR. JACOBS:

Q All right.

A Because all you're telling me is what the ram pressure is providing on these platens. It's not telling me the square inch pressure on the surface of the sheet. This is strictly telling ram pressures of the laminating press, not the core or the polishing plates or the trays that are put

into the sheets which are smaller than the platens.

Q Where -- where do you get that the pressure here is purely the ram pressure?

A I don't. The only thing I can see is they have a graph of psi, which stands for pounds per square inch. That doesn't say ram pressure. That doesn't say the surface calculated of the square inch per sheet, because you may have two different sheet sizes go into one particular laminator. You have different size laminating plates to fit the sheet size. This graph here is the operational function of the rams that you have in the press and the temperatures that might be set, but they don't have a range of temperatures on this graph, and they don't have a fixed psi per square inch of the ram. We don't know in this graph whether we're dealing with a ram that is 18 inches in diameter or 14 inches in diameter. That I don't have. So, I could not even come up with figures on this graph.

Q Well, we're coming up with figures together, Mr. Leighton, and I thought -- I

thought we just came up with the 180 psi. Based upon your testimony, that was the maximum pressure used during the cooling cycle. That was your number, 180; is that correct?

A No.

Q Where did I get the 180?

A That was my heat pressure.

Q That was your heat pressure, 180?

A Right, minimum that I would -- on the ordinary card, of the surface of the sheet, not the ram pressure, calculated pounds per square inch of the sheet that I'm overlaminating or trying to laminate together. That has nothing bearing on this graph that they have on this.

Q So, you'd use 180 psi --

A 280 psi.

Q 280 psi during the heating stage; is that correct?

A Now, wait a minute. Now, excuse me. Let me back up. 280 degrees Fahrenheit at approximately 180 pounds per square inch.

Q During the heating?

A During the heat cycle, yes. I -- I

would come up with those figures. That will laminate the ordinary plastic card.

Q Without distorting the printing?

A Without even having printing on it. I stated before I'm talking about fusing PVC together without printing.

Q Well, let's talk about a card that has printing.

A Okay. Is it a full flood print or are we just --

Q Full flood print.

A Okay.

Q What would be the -- during the heating cycle, what would be the temperature?

A I wouldn't go over 280 in the temperature for fear of distorting the colors or changing the colors in the laminator.

Q And what would the pressure be?

A The pressure would be, normally, around 180 pounds per square inch.

Q During the heating?

A Right, and that can even go up. You can change that, and you can take that up to -- up to 500 degrees temperature if you're not

worried about distorting the print.
Q I'm worried about distorting the print, but we're talking about pressure now. I understood you had a 280 for temperature, correct?
A It's possible to laminate at that pressure.
Q And you're now saying during the heating --
A I'm saying -- I'm saying, each time, you're making a formula. You may, during the day, have four or five jobs that you're laminating. They're each going to have different pressures and temperature cycles because you test each one of these before you go ahead and laminate your job. All card manufacturers do that to check out what the color is going to be before they go into full production and mess up a job that they've taken two to three weeks to print. These pressures and temperatures change. This graph is no indication of what they're trying to produce.
Q Mr. Leighton, what I'm asking you about --

A I'm not trying --
Q Is that --
A I'm not trying to run around you or anything like that.
Q No, no.
A I'm just trying to educate you what I've had to experience in my experience.
Q I think we'll go a lot faster here if you just answer the question. We're now referring to your experience in manufacturing plastic laminated cards which have printing on them, full flood printing, and I'm asking you: What was the temperature and pressure you used during the heating cycle? That's a very simple question. I assume it has a simple answer.
A I can't give you specifics without actually doing testing on the particular subject.
Q Well --
A On that illustration that we had here of the Arthur Blank card, if you have that on that illustration, you'll find one of those colors was a full bleed image on that card. We had some images in there that were typed

on that particular card, and we had to be very careful because of the delicate shades on that card not to change their colors, having electronics on them. There's no set formula on the manufacture of these cards. That's why in my patent, I use broad terms, in the range of, because we have actual different temperatures that you're involved in. There's no set --

Q Let's look at your patent, Mr. Leighton, and see whether we can find any temperatures to help us out with this.

Would you turn -- turn to your Exhibit 102 that's in front of you, please?

A What page?

Q It's the description of figure 13. It says "figure 13 continued" at the top of the page, the last page -- typed page before the --

A That's towards the front or the back?

Q Verified statement, claim of small entity status.

A What are we looking for? I don't --

MR. GUTKIN: Jim, are you at "Description of Drawings. Figure 13